IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 14712 of 2007(B)

PETITIONER:

SILVIYA JOSEPH, W/O. JOSEPH,
KONNAVILATHEKKEYIRAKKAM, THEKKUMBHAGAM,
CHAVARA SOUTH P.O., KARUNAGAPPALLY.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR (RR),
KARUNAGAPPALLY TALUK, KARUNAGAPPALLY P.O.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE SECRETARY,
KOLLAM DEVELOPMENT AUTHORITY (KDA), KOLLAM.

4. THE TAHSILDAR,
KARUNAGAPPALLY TALUK OFFICE.

R1,R2 AND R4 BY G.P. SRI. P.N. SANTHOSH
R3 BY ADV. SRI.A.MOHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DEMAND NOTICE DATED 10.6.2001 SENT BY THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF THE RECEIPT ISSUED BY TAHSILDAR, KARUNAGAPPALLY DATED 19.10.2006

EXT.P3 TRUE COPY OF THE ORDER DATED 12.4.2007 ISSUED BY TAHSILDAR, KARUNAGAPPALLY.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 14712 OF 2007

Dated this the 6th day of August, 2007

JUDGMENT

Loan availed by the petitioner from the third respondent is admitted. The only prayer is for grant of OTS benefit. Standing counsel for the third respondent submitted that even for waiving penal interest, Government's concurrence is required. The rate of interest charged is stated to be 16%. Since interest itself is at 16%, that too for house construction, I feel petitioner can be granted waiver of penal interest provided petitioner clears the arrears on or before 30.10.2007. W.P. is accordingly disposed of directing the respondents to withhold recovery proceedings till 30.10.2007 for the petitioner to settle liability exclusive of penal interest by then. However, if payment is not made, recovery will be continued and in that event penal interest also can be recovered. Similarly, if payment is made and liability settled voluntarily as above, no collection charges should also be recovered from the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge